

Application Serial No. 10/720,679
Request for Continued Examination filed April 7, 2008
Further reply to final Office Action mailed November 19, 2007

REMARKS

Claims 1-21 are pending and under consideration. Claim 1 is amended herein. Support for the amendment to claim 1 may be found at paragraphs [0014] and [0022] of the specification as filed originally. Further reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicants acknowledge with appreciation the consideration given to their arguments, and especially the statement on the continuation sheet attached to the Advisory Action mailed March 19, 2008, lines 3 and 4 to the effect that:

The applicant's arguments, see REMARKs, pages 7-10, appear to overcome the rejection of claims 1-4, 9, 12, 18, and 20-21 under 35 U.S.C. 103(a).

The Applicants, however, were disappointed that their arguments with respect to a rejection of claims 1-8, 10-17, and 19 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,119,001 to Delis et al. (hereinafter "Delis") were not found to be persuasive as well.

The Advisory Action mailed March 19, 2008:

The Advisory Action asserts on the continuation sheet, at lines 10-14, that:

Applicant also argued that the default subscriber profile can not be a "standardized terminal profile", since the "standardized terminal profile" would not be deleted and be reused by other mobile stations entering the system'. Perhaps applicant refers to certain features, e.g. "first and second addresses", "standardized terminal profile", that are disclosed in the present application but not recited in the rejected claims in making the contention that the Delis reference fails to show certain feature of applicant's invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Under the provisions of M.P.E.P. §2111, however, the pending claims must be given their broadest reasonable interpretation consistent with the *specification* during patent examination. As provided therein:

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

The specification, in this case, describes a standard profile as inter alia, being used for *all* the terminals or subscribers that address the alternate communication device at paragraph [0014]. The default subscriber profile of Delis, on the other hand, is *deleted* after the roamer

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mobile station 14' leaves the system, and will thus not be available to be used for all the terminals or subscribers that address the alternate communication device. Thus, the default subscriber profile is not analogous to the "standardized terminal profile" recited in claim 1, and consequently, under the broadest reasonable interpretation of claim 1 consistent with the specification, Delis is not "storing in the alternate communication device a standardized terminal profile," as recited formerly in claim 1.

Under the further provisions of M.P.E.P. §2111, the broadest reasonable interpretation of the claims must *also* be consistent with the interpretation that those skilled in the *art* would reach, not simply the *broadest* interpretation. As provided therein:

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Since the default subscriber profile of Delis is *deleted* after the roamer mobile station 14' leaves the system, as discussed above, and will thus not be available to be used for all the terminals or subscribers that address the alternate communication device, those skilled in the art would not reach the interpretation that the default subscriber profile were analogous to the "standardized terminal profile" recited in claim 1. Thus, under the broadest reasonable interpretation of claim 1 consistent with the interpretation that those skilled in the art would reach, the default subscriber profile of Dallas is not a "standardized terminal profile" as recited in claim 1, and Delis is not "storing in the alternate communication device a standardized terminal profile," as recited formerly in claim 1.

Nevertheless, in the interest of compact prosecution only, and not for any reason of patentability, the fourth clause of claim 1 has been amended to recite:

Storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device.

Since, on the other hand, the default subscriber profile of Delis is *deleted* after the roamer mobile station 14' leaves the system, as discussed above, Delis is not "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device," as recited in claim 1, even if the default subscriber profile of Delis were analogized to the recited "standardized terminal profile." Further reconsideration is thus requested.

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The Advisory Action asserts further on the continuation sheet, at lines 15-19, that:

Applicant argued, see REMARKS, pages 10-12, Delis neither teaches, discloses, nor suggests "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in claim 1. In fact, the default subscriber profile for mobile station with MIN and TSNB, e.g. "first/second addresses", is stored/retrieved in HLR and delivered to VLR as disclosed in col. 6, lines 41-61, for storing as specified in col. 5, lines 30-38, e.g. "storing ... in each communication terminal" and "storing in the alternate communication device".

The final Office Action, however, analogized the temporary subscriber number (TSNB) 214 of Delis, not the default subscriber profile, to the recited "second address in each communication terminal" at page 5, line 6. Thus, whether the default subscriber profile is stored or retrieved from the home location register 20 is not particularly relevant to the point that Delis neither teaches, discloses, nor suggests "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in claim 1.

Finally, the Advisory Action asserts on the continuation sheet, at lines 15-19, that:

Applicant also argued that the default subscriber profile can not be a "standardized terminal profile", since the "standardized terminal profile" is -- permanent -- stored in the alternate communication device and will never be deleted or created again. However, such argued limitation is not recited in the rejected claims in making the contention that the Delis reference fails to show certain feature of applicant's invention.

Since, however, as discussed above, under the broadest reasonable interpretation of claim 1 consistent with the specification, as well as consistent with the interpretation that those skilled in the art would reach, Delis is not "storing in the alternate communication device a standardized terminal profile," as recited formerly in claim 1.

The final Office Action mailed November 19, 2007:

The final Office Action asserts in the first full paragraph at page 3 that:

Delis clearly teaches "storing a second address in each communication terminal for a connection to an alternate communication device" as; a TSNB numbers which are assigned and allocated on an as needed basis to defined and connect to roaming stations, please see Delis: col.3, lines 5-12.

This is submitted to be incorrect. Delis, rather, is describing storing information relating to the mobile stations 14 and their subscriptions in the home location register 20, not an address "for a connection to an alternate communication device" as recited in claim 1. In particular, as described at column 5, lines 1-12:

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The home location register 20 stores information relating to the mobile stations 14 and their subscriptions comprising location information and service profile information. This information is stored by the home location register 20 in association with the subscriber (directory) number (SNB) and mobile identification number (MIN) for the mobile station 14. The home location register 20 further supports a plurality of temporary subscriber (directory) numbers (TSNBs) which are assigned and allocated on an as needed and temporary basis to established (defined and connected) roaming mobile stations 14' (i.e., roamers).

In Delis, moreover, the temporary subscriber number is a subscriber number for connecting the roaming subscriber within the network 10, so Delis is not "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in claim 1, either.

Delis, moreover, describes temporary subscriber numbers that can be assigned and allocated for roaming mobile stations. Delis, however, says nothing about how this may be implemented. Delis, in particular, does not disclose that a second address is stored in a communication terminal, nor does Delis disclose that the second address is stored in each communication terminal. Instead, Figs. 2A, 2B, and 3 all show no direct communication between the terminal MS and either one of the HLR or VLR. Therefore, it is not shown, nor is any indication given, as to why the communication terminal should store a first address to HLR (as the home communication device), and a second address to VLR (as the alternate communication device). Delis simply has no need for that.

The final Office Action, finally, identifies the first and second addresses at pages 4 and 5 as the "mobile identification number (MIN)" and the "temporary subscriber number (TSNB)." Both the mobile identification number and the temporary subscriber number, however, are addresses to the communication terminal (MS), but not to the home or alternate communication device. Thus, even under the interpretation of Delis adopted by the final Office Action, Delis is not "storing a second address in each communication terminal for a connection to an alternate communication device" as recited formerly in, for example, claim 1.

The final Office Action asserts in the second full paragraph at page 3 that:

Delis clearly teaches, "storing in the alternate communication device a standardized terminal profile" as; the default subscriber profile is retrieved from the database and transmitted to the VLR for storage with message forwarded to the mobile station, please see Delis: col.5, lines 30-40.

This is also submitted to be incorrect. Delis, rather, is describing how the default subscriber profile for the mobile station 14' is retrieved from the data base and transmitted by the

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registration notification (or qualification request) return result message 210, as in FIG. 2A, back to the visitor location register 22 for storage. In particular, as described at column 5, lines 30-40:

Once the actions 214, 216 and 218 are completed, the subscriber is recognized in the home location register 20, and the default subscriber profile for the mobile station 14' is retrieved from the data base and transmitted by the registration notification (or qualification request) return result message 210, as in FIG. 2A, back to the visitor location register 22 for storage, with the message forwarded on to the switching node 12 to confirm provision of service to the mobile station 14. Other known actions, for example, involving the authentication of the mobile station, also occur in connection with the registration process, but are not specifically illustrated.

The default subscriber profile of Delis, however, is *deleted* after the roamer mobile station 14' leaves the system, and cannot be a standardized terminal profile in the first place. If, on the other hand, the default subscriber profile of Delis were *standardized*, the default subscriber profile could presumably be *reused* by other mobile stations entering the system, and thus would not be deleted. Further reconsideration is thus requested.

Claim Rejections - 35 U.S.C. § 102:

Claims 1-8, 10-17, and 19 were rejected under 35 U.S.C. § 102(b) as anticipated by Delis. The rejection is traversed to the extent that might apply to the claims as amended. Reconsideration is earnestly solicited.

The third clause of claim 1 recites:

Storing a second address in each communication terminal for a connection to an alternate communication device.

Delis neither teaches, discloses, nor suggests "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in claim 1. In Delis, rather, the default subscriber profile for the mobile station 14' is retrieved from the *home location register 20* in step 314, and delivered to the visitor location register 22. In particular, as described at column 6, lines 57-61:

The default subscriber profile for the mobile station 14' is then retrieved from the home location register 20 in step 314, and delivered to the visitor location register 22 (with confirmation of service to the switching node) in step 316.

Later in the process, the visitor location register *deletes* (action 238) the previously downloaded default subscriber profile for the roamer mobile station 14'. In particular, as described at column 6, lines 19-22:

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Responsive thereto, the visitor location register deletes (action 238) the previously downloaded default subscriber profile for the roamer mobile station 14'.

This is to be contrasted with the claimed invention, in which a standardized terminal profile is -- permanently -- stored in the alternate communication device, and which will be adapted once it will be used, but will never be deleted or created again. Since Delis, on the other hand, deletes the previously downloaded default subscriber profile for the roamer mobile station 14', Delis is not "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in claim 1.

Nor is the temporary subscriber number, to which the final Office Action analogizes the recited "second address," stored in the *mobile* station, to which the final Office Action apparently analogizes the recited "communication terminal." In Delis, rather, the temporary subscriber number (TSNB) is stored in the pool of available temporary subscriber numbers assigned to the home location register 20, and returned there upon deactivation. In particular, as described at column 6, lines 11-14:

This deactivation procedure includes, as one action 230, the returning of the assigned temporary subscriber number (TSNB) to the pool of available temporary subscriber numbers assigned to the home location register 20.

Since, in Delis, the temporary subscriber number (TSNB) is stored in the pool of available temporary subscriber numbers assigned to the home location register 20, and returned there upon deactivation, Delis is not "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in claim 1.

Finally, in Delis, the temporary subscriber number is a *subscriber* number for connecting the roaming subscriber within the network 10, not an address "for a connection to an alternate communication device" as recited in claim 1. In particular, as described at column 5, lines 5-15:

Instead of sending the error message 212, as in FIG. 2B, indicating that the mobile station 14' mobile identification number is not recognized, the home location register 20 recognizes that this is a roamer first registration and initiates an activation procedure for automatically defining and connecting the roaming subscriber within the network 10. This activation procedure includes, as one action 214, the selection of a temporary subscriber number (TSNB) for the mobile station.

Since, in Delis, the temporary subscriber number is a subscriber number for connecting the roaming subscriber within the network 10, Delis is not "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in

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claim 1.

The fourth clause of claim 1 recites:

Storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device.

Delis neither teaches, discloses, nor suggests "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device," as recited in claim 1. The default subscriber profile of Delis, rather, to which the final Office Action analogizes the recited "standardized terminal profile," is a *default* subscriber profile, not a standardized terminal profile. The default subscriber profile for the mobile station 14' of Delis, moreover, is retrieved from the home location register 20, as discussed above, and is thus not stored "in at least two of the plurality of communication devices," as recited in claim 1.

The default subscriber profile of Delis, finally, is *deleted* after the roamer mobile station 14' leaves the system, as discussed above. If, on the other hand, the default subscriber profile of Delis were stored "in at least two of the plurality of communication devices," the default subscriber profile could presumably be *reused* by other mobile stations entering the system, and thus would not be deleted. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 10-17 and 19 depend from claim 1 and add further distinguishing elements. Claims 10-17 and 19 are thus also submitted to be allowable. Withdrawal of the rejection of claims 10-17 and 19 is also earnestly solicited.

Allowable Subject Matter:

The Applicants acknowledge with appreciation the statement on the continuation sheet attached to the Advisory Action mailed March 19, 2008, at lines 3 and 4 to the effect that:

The applicant's arguments, see REMARKs, pages 7-10, appear to overcome the rejection of claims 1-4, 9, 12, 18, and 20-21 under 35 U.S.C. 103(a).

Since no further rejections remain against claims 9, 18, 20, or 21, claims 9, 18, 20, and 21 are believed to be allowable.

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Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-21 are allowable over the cited references. Allowance of all claims 1-21 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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